

REMARKS/ARGUMENTS

Claims 2-6 and 8-20 are pending in the present application, with claim 20 being the only independent claim. Claims 1 and 7 have been canceled by this amendment without prejudice or disclaimer and new claim 20 has been added.

Initially, Applicants point out that new claim 20, which replaces claim 1, has been drafted in consideration of the Examiners comments with respect to 35 USC § 112. Further, the remaining claims have been amended to remove the reference characters from the claims and to provide antecedent basis for certain claim terms.

Claim rejections under 35 USC § 112

Claims 1 to 19 stand rejected under 35 USC § 112, second paragraph, as being indefinite for failing to point out and claim the subject matter which applicant regards as the invention.

Claim 20 has been drafted to define “a syringe body with a proximal end having a flange and a distal end for supporting a needle at the distal end by way of an adapter.” Support for claim 20 can be found at least in former claims 1 and 7 and in the figures. Withdrawal of the rejection under 35 USC § 112 is requested.

Claim Objections

Claims 6-19 were objected to under 37 C.F.R. 1.75(c) as being in improper form. Applicants have amended the claims to remove multiple dependent claims. Withdrawal of the objection is therefore requested.

Claim rejections under 35 USC § 102

Claims 1-5 stand rejected under 35 USC § 102(b) as being anticipated by U.S. Patent No. 3,848,593 ("Baldwin"). Applicants traverse this rejection. Initially, Applicants note that claim 1 has been cancelled. This rejection will therefore be addressed with respect to new claim 20.

Discussion of Disclosed Embodiments

The following descriptive details are based on the specification. They are provided only for the convenience of the Examiner as part of the discussion presented herein, and are not intended to argue limitations, which are unclaimed.

Referring to Fig. 2 and to paragraph [0043] of the Specification, an accessory 1 for a conventional syringe 2 is provided for use at least in the field of ophthalmic surgery. During ophthalmic surgery, a syringe 2 frequently applies comparatively viscous liquids. Such syringes usually comprise, inter alia, an adapter 8 at a distal end for connecting a needle 7 to the syringe 2, and, at the opposite end, a proximal flange 10. The viscosity of the liquid leads to comparatively high longitudinal stress acting on the adapter 8 or the needle 7. The higher longitudinal stress may cause the needle 7 to separate from the syringe 2. The accessory 1 makes sure that such separation is avoided.

In one embodiment the accessory 1 has a semi-cylindrically shaped body 15 with a distal transverse wall 20 at a distal end and a bearing zone 61 at a proximal end. The distal transverse wall 20 is pierced with a hole 22 for receiving the needle 7. The hole 22 provides a support for the adapter 8, through which needle 7 is to be inserted. To this end, the adapter 8 has a more or less conical or cylindro-conical shape, see, e.g., specification paragraph [0049]. With reference to FIG. 1, it can be seen that the accessory 1 comprises a body 15 having two regions 16, 17 joined

together by an elastic zone 18 which can be expanded. The lengthening of the accessory 1 enables the syringe 2 to be placed in the accessory 1 and adjust to a length of syringe 2.

The bearing zone 61 at the opposite proximal end of the body 15 is intended to house the proximal flange 10 of the syringe 2. Close to the bearing zone 61, the accessory 1 provides finger rests extending laterally to the body 15 for the fingers of a user. The dimensions of the accessory 1 are chosen such that the adapter 8 is kept bearing against said distal transverse wall 20 when the syringe 2 is inserted into the accessory 1 and its flange 10 is inserted into the bearing zone 61.

Discussion of Baldwin

Among the limitations of claim 20 not present in Baldwin is:

an accessory body having a longitudinal axis, a distal end and a proximal end, the accessory body having an elastic zone arranged between the distal end and the proximal end coupling the distal end and the proximal end, the elastic zone configured to expand in the longitudinal direction of the accessory from a first, rest position, to a second position where a distance between the distal and proximal ends is increased.

The elastic zone allows the accessory body to be elongated to, in effect, provide clearance for the needle adaptor to be positioned at the first holding means and so that when the elastic zone is allowed to return to its non-extended position, the outside wall of the first holding means will seat about the adaptor.

Baldwin describes a syringe 11 with a main body 21, 39, 41 and a plunger 51 that is adapted to accommodate a carpule 61 for anesthetics. Baldwin at col. 2, l. 60 *et seq*; Fig. 1. A needle unit 73 is inserted sideways into the nose end 21 of the syringe body. Baldwin at col. 4, ll. 30-50. The nose end 21 has a pair of angular spaced slots 29 and the needle unit 73 has a securing hub 75 with radially extending flanges 77 to secure the needle unit 73 in the syringe body. The radially

extending flanges 77 are parallel and straight. The securing flanges 77 are engageable with the slots 29 of the nose end 21. Baldwin at col. 4, ll. 51-65. Applicants note that nothing in Baldwin provides an elastic zone configured to lengthen the syringe 11.

As a result, Baldwin fails to disclose, teach or suggest an accessory as now claimed in claim 20. Accordingly, claim 20 is deemed to be patentable over the cited art at least for above reasons. Claims 2-6 and 8-19, depending from claim 20 are also deemed to be patentable over the cited prior art for at least the same reasons discussed above with respect to claim 20.

In view of the above, Applicants request that the rejections under 35 USC § 102(b) be withdrawn.

CONCLUSION

Applicant has responded to all of the rejections and objections recited in the Office Action. Reconsideration and a Notice of Allowance for all of the pending claims are therefore respectfully requested. If the Examiner believes an interview would be of assistance, the Examiner is encouraged to contact the undersigned at the number listed below.

It is believed that no fees or charges are required at this time in connection with the present application. However, if any fees or charges are required at this time, they may be charged to our Patent and Trademark Office Deposit Account No. 03-2412.

Respectfully submitted,
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